



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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[www.southernshores-nc.go](http://www.southernshores-nc.go)

June 20, 2017

COUNCIL MEETING-9:00 A.M.-PITTS CENTER

1. Opening
  - A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
  - B. Pledge of Allegiance
  - C. Moment of Silence
  - D. Amendments to / Approval of Agenda
  - E. Consent Agenda **TAB 1**
    - i. Minutes- May 16, 2017 & June 6, 2017
    - ii. Resolution 2017-06-02-Law Enforcement MOU Update
    - iii. Set Public Hearing for July 5, 2017 Regular Meeting – FY 17-18 Capital Infrastructure Improvements
2. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)
3. Old Business
  - A. Kenneth Willson, CBI -Briefing of the upcoming Southern Shores segment of Beach Nourishment
4. New Business
  - A. Amendment to the Town's Noise Ordinance (Section 22-3, (c) - Exception for the Work Associated with Public Beach Nourishment Projects – Staff Recommendation **TAB 2**
  - B. Amendment to the Town's Waterways and Beaches Ordinance (New Section 34-55, (e) – Prohibition of Bulldozing, Pushing, or Moving Sand on Town Beaches That Are Within the Limits of a Completed Public Beach Nourishment Project – Staff Recommendation **TAB 3**
5. General Public Comment (Limit: 3 minutes per speaker.)
6. Other Business
  - A. Mayor's Comments & Responses
  - B. Council Member's Comments & Responses
7. Closed Session - NCGS § 143-318.11. (a)(6) - Consider a personnel matter regarding an individual public officer/employee of the Town
8. Adjourn



**Town of Southern Shores  
Regular Council Meeting  
May 16, 2017**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 9:00 a.m. on Tuesday, May 16, 2017.

**COUNCIL MEMBERS PRESENT:** Mayor Bennett and Council Members Leo Holland, Chris Nason, Fred Newberry, and Gary McDonald.

**COUNCIL MEMBERS ABSENT:** None

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

**AMENDMENTS / APPROVAL OF AGENDA**

**MOTION:** Council Member McDonald moved to approve the agenda. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- i. Minutes-April 4, 2017
- ii. Surplus Resolution-Police Department

**MOTION:** Council Member McDonald moved to approve the Consent Agenda. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

**GENERAL PUBLIC COMMENT**

Mayor Bennett called for public comment and the following citizens offered comment:

1. Carlos Gomez, 46 Juniper Trail, Southern Shores -streets are getting wider, streets need repair because of summer traffic and are not made for this type of traffic.
2. Debbie Newberry- 267 N. Dogwood Trail, Southern Shores -apologized that she spoke out of turn previous meeting. Mayor and Council Member Nason stated she was blowing things out of proportion and saying things that are not necessarily true. The goal is to let all citizens know what direction the Town is going and if the citizens want it, then so be it. Council needs to voice their vision and make some real hard choices.

Hearing no other citizen wishing to speak, the Mayor closed public comment.

[Clerk's Note: A copy of the public comment signup sheet is hereby attached].

**OLD BUSINESS**

**Agenda Item:**

**Review of the FY 17-18 Proposed Operating Budget-Requested by Council Member McDonald**

Council Member McDonald stated he had spoken with the Police Chief about the crosswalk lighting and the Chief stated there may be one more crosswalk that needed lighting. Council Member McDonald then stated he has noticed several not lit and moved to add \$10,000 to the budget for crosswalk lights, he stated to continue the process until the Town gets all crosswalks lit.

Mayor Bennett stated they are not yet finished installing all of the crosswalk light poles that are contracted.

The Town Manager stated there are eleven crosswalks already budgeted in the current year budget. Council Member McDonald replied that was for last year and he is talking about the coming year. The Town Manager explained that there are eleven crosswalks that the Town has permits for and which are budgeted, but all have yet to be installed. He also stated there is one other crosswalk that a citizen inquired about. The Town Manager stated he contacted the appropriate NCDOT engineer to see if that crosswalk at 108-A Ocean Blvd would qualify and he has not heard back yet. He also stated that if Council directs pole lighting at that particular spot it would cost approximately \$3,000 to install a pair. The other crosswalks cannot receive lighting as they are already under a traffic signal lighted area.

Council Member McDonald asked about the ones that are not at traffic lights. The Town Manager stated if they have a diamond crosswalk sign on it they are already scheduled to get the lights installed.

Council Member McDonald stated that his question is, are they already in the budget? The Town Manager stated they are already under obligated contract in the current year's budget. Council Member McDonald stated then they are all taken care of. The Town Manager stated yes except for the one from last week's inquiry that is not a marked crosswalk but perhaps would be eligible to become a marked crosswalk. If it does become eligible to be a marked crosswalk, then we would seek to obtain a permit to have lighting installed.

Council Member McDonald asked the Town Manager if he would need additional monies to install lighting at that single location. The Manager stated he could find the monies for the pair of lights (\$1,500 each) in the current budget, but to the best of his knowledge the district engineer would not be able to permit any other crosswalks for lighting.

Council Member McDonald stated at the last meeting Council approved \$150,000 for Pelican Watch out of the unrestricted fund for this year. If that bill comes active it is to pay for that. Councilman McDonald stated he did not know if that bill will come due this year and moves to put \$150,000 in next year's budget to cover that and fund it and plan for it instead of taking it out of the unrestricted fund. He stated even if gets used out of the unrestricted fund, that budget item would go back into the fund to offset that. Not sure how much we will be reimbursed for storms moving forward and need to protect our unrestricted fund as well as we can and plan for those things. We are not going to get reimbursement like we have in the past. He recommended placing \$150,000 in the budget, find it and place it back into the unrestricted fund even if it comes out this year.

Mayor Bennett asked Council Member McDonald if he was talking about the beach nourishment project or storm mitigation.

Council Member McDonald replied that \$150,000 for beach nourishment is being used out of the unrestricted fund. The Mayor clarified that Council Member McDonald meant the undesignated fund balance. Council Member McDonald stated Council took it out at the last meeting or approved using it to pay or offset what Pelican Watch will pay. He remarked it may not come out this year and will go back into the fund and Council would have to appropriate it again. If Council budgets for that item and going forward plans for that type of thing. It is planning our money and not just

going to the fund balance and pull something every time we need it. He further stated we need to plan for beach nourishment and instead of taking the fund balance to a low end, plan for it.

Mayor Bennett replied that at the last meeting Council agreed to allocate those funds from this current year and if the project is delayed we would move the funds by putting those funds back in and take it out for next year. The Mayor called on the Town Manager to verify.

The Town Manger stated the \$150,000 that Council approved was a budget amendment. The amount that is represented, \$150,000 for this current year, is there to be the cash flow if the bills start to come due before July 1<sup>st</sup>, which is a possibility. If that money is not paid out it would automatically revert back in to unassigned fund balance. After July 1<sup>st</sup>, the Council would need to approve another budget amendment to pull that money back out of unassigned fund balance to pay the additional \$150,000 in next fiscal year. The Town Manager stated on another note, one of the designated uses of the Capital Reserve Fund is beach nourishment, and that Fund can be used for beach nourishment or whatever infrastructure project the Council chooses each year as part of the budget process.

Council Member McDonald stated he understands that but Council is still not planning for it and is pulling it out of the savings account. He stated we are going to need it even if the \$150,000 is paid out this current year. The \$150,000 will be to pay back the unrestricted fund balance to reimburse what was pulled out.

Council Member Nason stated it was his understanding that the \$150,000 paid by the Pelican Watch assessment automatically goes back into the undesignated fund when paid. Council member McDonald stated that's going in to the budget.

Council Member Nason stated that it is fairly certain that the owners of Pelican Watch will pay the assessment and that monies will go directly back into the fund. He stated if everyone pays it will be neutral.

The Town Manager clarified by stating the \$150,000, as it comes in from the special assessment, automatically go in to the unassigned fund balance back because it is not budgeted as a revenue.

Council Member Nason stated having a line item for beach nourishment is not a bad idea as the beach profiles will need to be kept up.

Council Member McDonald stated that the Town will be taking out half a million dollars for the Pelican Watch beach nourishment project. Council Members Nason and Holland both stated that \$150,000 of that will be paid back. Council Member Holland stated cash flow-wise that is correct in that \$500,000 will be taken out but \$150,000 is coming back, so the net flow is \$350,000. Council Member McDonald stated we will not see the \$150,000 for five years out. Council Member McDonald stated we are loaning the money out so budget it. Mayor pro tem Newberry stated exactly.

Mayor pro tem Newberry stated he supports Councilman McDonald and cannot see taking money out of the undesignated fund until we actually need it. In the meantime, Council should be budgeting, in this case he stated the \$150,000 for paying the bill for beach nourishment at Pelican Watch. Arbitrarily just taking money out of the undesignated fund is not a good idea unless you absolutely need it. Those reserves need to be built up more based on what we are hearing out of Washington as far as next year's budget. He stated he has a feeling the Town will be budgeting for its own disaster relief fund because the money is not going to be there from the federal government, primarily FEMA and other agencies as well. He stated Council should put the \$150,000 back into the fund this year and budget for it next year so Council can keep that fund as healthy as possible.

The Town Manager stated that the capital reserve fund, if the budget passes as proposed, would carry a projected amount of \$200,000 which is for infrastructure, including beach nourishment.

Council continued to discuss the unlikelihood of storm reimbursement in the future.

Council Member Nason stated this would be a valid point for the following year's budget. He stated then we will be able to see what kind of reimbursement we can expect to see.

The Mayor stated we can direct the Town Manager to put that in the following year's budget.

Council Member McDonald stated he feels it should be included in FY17-18 budget and he made a motion.

**MOTION:** Council Member McDonald moved to place \$150,000 in next years' budget for the Pelican Watch project as a line item and if not used, reverts back to fund balance. Mayor pro tem Newberry seconded the motion.

Council Member Nason asked where is that money coming from in the budget. He stated he is not against it if Council can reasonably find the money and Council should ask the Town Manager to come up with suggestions on where to find the money.

The Town Attorney interjected by stating Council is in a weird procedural posture with the budget process. He explained that several Council meeting sessions had been conducted and the Manager's Budget amended. He stated once the Town Manager formally filed his proposed budget which he has, it is then advertised and available for public inspection. The submitted Manager's Budget has been inspected by residents in preparation for comment at the Public Hearing already scheduled for June 6, 2017. Town Attorney Gallop stated Council can plan, but it would be wise of Council to hold off making any motions to amend the proposed budget until after the Public Hearing and budget ordinance time. He stated once the Public Hearing is completed, then Council can change whatever they want as long as it is adopted before July 1<sup>st</sup>.

Council Member McDonald stated he would then like Council to direct the Town Manager to bring options for the \$150,000.

**MOTION:** Council Member McDonald substituted his original motion with a motion to direct the Town Manager to provide options on how to come up with finding \$150,000 (beach nourishment) in the existing budget and advise Council of that at the Public Hearing and Budget Ordinance time. The motion was seconded by Mayor pro tem Newberry. The motion passed unanimously (5-0).

Council Member McDonald stated he has one more change but may need to wait until after the Public Hearing.

The Town Attorney stated there is no reason not to discuss it and let everyone hear the concept.

Council Member McDonald stated he may make some friends or make some enemies with what his motions are going to be for this. Over years working with budgets and trying to be fair to employees and people. He stated first he would like a definition of what a merit bonus is. He asked if it was an across the board bonus, or if it is not he would like to know if it's based on something else.

The Town Manager stated it is a merit one-time bonus based on merit, it does not go into the base salary and will not be applied equally across the board. It was placed that way in the budget for accounting purposes.

Council Member McDonald stated that is a total of approximately \$33,000 (COLA & merit combined) and twenty-three staff members. He stated the guys at the bottom always tend to get the least because you are getting a percentage increase. He would look at giving an across the board raise instead of a percent and an across the board bonus instead of a percent. That way



226 everyone gets an equivalent raise across the board. \$33,000 divided by twenty-three staff comes  
227 to \$1,452. He stated that is his recommendation to just give everyone an equal raise and is more  
228 equitable across the board.  
229

230 The Mayor stated it may be more equitable but may not be more fair. For the most part, those  
231 people that draw the higher salaries have more responsibilities. He stated it is nice to give the  
232 people at the lower level scale some consideration but if you make it a total level playing field you  
233 end up punishing the ones at the top that actually produce the most for your company or the most  
234 for your Town. He further stated that he thinks the way it was done by the Manager was probably  
235 fair, equitable itself, and not accommodating any one more than the other.  
236

237 Council Member McDonald stated he worked state government for four years and there were  
238 times when us at the top didn't get anything and those at the bottom got pay raises. It really did  
239 upset him and he didn't think it was fair but folks at the top have a little more tendency to survive  
240 than folks on an hourly wage.  
241

242 Mayor pro tem Newberry stated if you look at it from a percentage basis the higher-level people  
243 are going to continue to get a lot more money and their base salaries are going to go up  
244 significantly from year to year. For the people at the bottom it is going to be pretty slow. He stated  
245 what he thinks Council Member McDonald is saying is to provide that incentive for the people at  
246 the lower levels to help them normalize some of the pay.  
247

248 The Town Manager stated he can run the scenarios both ways for Council and have it at the  
249 Budget Public Hearing and Budget Ordinance time.  
250

251 Council Member McDonald stated about 80% of staff would benefit better by this proposal and it is  
252 only a small percentage that will receive less.  
253

254 The Mayor asked if Council had any other budget items to discuss.  
255

256 Council Member McDonald stated he would like a fund balance sheet with monies that have been  
257 appropriated out when Council does budget. He stated he received it by email but would like it in  
258 the book.  
259

260 The Town Manager stated he can show the audited balance and then the budget amendments  
261 that have come out the last twelve months.  
262

#### 263 **NEW BUSINESS:**

264 None  
265  
266  
267

#### 268 **GENERAL PUBLIC COMMENT**

269 Mayor Bennett again called for public comment and the following citizens offered comment:  
270

- 271 1. Carlos Gomez, 46 Juniper-could save money with road design, postpone changes and  
272 collaborate resources.  
273  
274

#### 275 **COUNCIL MEMBERS' COMMENTS AND RESPONSES**

276  
277 Mayor Bennett called on Council to see if there was any other business they wanted to discuss.  
278

279 Council Member McDonald stated he would like to discuss what the town is doing with paving and  
280 the trees again.  
281

282 Mayor pro tem Newberry stated he had some comments too.

283  
284 Council Member McDonald referenced an article about Sunset Beach and their street  
285 improvements consisted of rain gardens and swales to capture the storm water runoff from the  
286 roads. He stated our Town's standards are to use low impact standards. The perception of low  
287 impact standards differs from person to person; however, he thinks Council needs to set what they  
288 think they need to do. He stated for example, the Town is putting in curbs and gutters and then  
289 have to purchase land to reroute water to fix a mistake that we enhanced by putting in curbs,  
290 gutters and sidewalks. He stated Council needs to look really good at these projects and keep as  
291 much nature as possible. He said with Juniper Trail a sidewalk was installed and the residents  
292 knew it would flood because it runs downhill and to the right where the sidewalk is and the water  
293 has no place to go. The same engineer that the Town now has was working with Quible back then  
294 and they put it in. He stated he can't remember how many trees were cut down at that time but it  
295 was a poor design. Council ten years down the road does not want to fix something that the  
296 current Council messed up.

297  
298 The Mayor stated to Council Member McDonald is that you want to take a look at the roads policy  
299 and procedures.

300  
301 Council Member McDonald stated the Town has made too many mistakes; Trinitie Bridge, Deer  
302 Path, and Gravey Pond all had mistakes.

303  
304 Council Member Nason stated that Trinitie Bridge was not the Town it was the State, as in NC 12  
305 is a State Highway too.

306  
307 Mayor Bennett stated as far as Deer Path and Gravey Pond, you can't point fingers at policy and  
308 procedures as they had structural issues caused from the contractor's materials which no one had  
309 control over.

310  
311 Council Member Nason stated when a contractor doesn't execute there are consequences.

312  
313 Mayor Bennett stated, or when the contractor's supplier doesn't execute there are consequences.

314  
315 Council Member McDonald stated the bottom line is the public thinks it is the Town.

316  
317 Council Member Nason stated he has no problem continuing this discussion and he repeated from  
318 before that the Town Engineer should be present and tell the Council what his vision of low impact  
319 is. He stated he thinks the engineer should be present to hear some of these concerns in a  
320 constructive and respectful manner.

321  
322 Mayor pro tem Newberry stated he supports both of the speakers this evening. He stated Council  
323 needs to take a look at the standards again and he doesn't see how they are low impact.  
324 Everything he has read on low impact does not include curbs and gutters, unless they are just  
325 absolutely necessary and he doesn't think that has been the case for Southern Shores. Council  
326 should open the standards to the public and let them have a say. He is hearing a lot of rumbling  
327 going on and he would like to avoid the same situation from a couple years ago at Dogwood  
328 intersection, Fairway Drive, Scuppernong and other places where the community voiced their  
329 opinion and were displeased with the action the Council took, and the Council was insensitive. As  
330 a matter of fact I think a lot of that divided people in the Town. We all live here, work here, we are  
331 neighbors and need to get along. Council should listen and of the public doesn't want something  
332 then Council shouldn't force it on them. This Council did a really good job of listening to the Pelican  
333 Watch people, we were sensitive to their concerns and Council took action and in the long run did  
334 the right thing. When it comes to streets, taking trees down, protecting the maritime forest, he  
335 believes Council has done a lousy job. He stated he has not heard anyone say a curb and gutter  
336 are a nice thing to have. Most people detest them. Our road construction has taken down trees  
337 that have been there more than a hundred years and those trees have a definite benefit. The trees  
338 absorb a lot of water. One of the most important things is the ambiance in Southern Shores and  
339 that's why people move here. The vision that David Stick had should be preserved. The first place

340 to start is look at our standards and define low impact. Swales and curbs and gutters are not low  
341 impact and cutting hard wood trees that have been there 100 years is not low impact development.  
342

343 The Town Manager announced that the Town Engineer is scheduled to come to the July 5<sup>th</sup>  
344 meeting, which is Council's Infrastructure Improvement matter on the agenda that night. He stated  
345 he has already spoken to the engineer and asked him to prepare to discuss with Council about the  
346 standards that evening.  
347

348 The Town Manager stated until the Council does what Mr. Newberry stated and adopts its own  
349 Southern Shores low impact development standard there will always be the same interpretation  
350 challenge every time on every project. Until Council directs there shall never be a curb or gutter  
351 and take it out of the engineer's decision making process, there is always going to be an  
352 argument. Until Council says there shall never be a tree taken down it is going to be in the  
353 engineer's decision making process. On this particular project (Juniper Trail), staff has heard from  
354 one resident, Mr. Gomez. One resident is being opposed to what was designed there. There are  
355 no retention ponds on that project, he has mentioned that. The curb there is a mountable curb  
356 which are placed at street intersections to protect the asphalt. It keeps from having to come back  
357 each year and fix the asphalt from vehicles chipping it away. If Council wants to ban them entirely  
358 that policy will be implemented immediately, but at this point it is not a standard. The mountable  
359 curb is a low impact development standard and the engineer is designing that. He further stated  
360 that low impact development standards industry wide do not ban or prohibit curbing. The low  
361 impact mountable curb has been installed on every occasion, including Fairway Drive. If Council  
362 wants to adopt specific standards, they will be implemented immediately as they will take out the  
363 guess work.  
364

365 Council Member McDonald stated he knows the Town Manager was not here at that time but it is  
366 his understanding that the sidewalk on Juniper Trail was put in for safety reasons, and he  
367 understands that. But the issue is water pooling on the roads and that is just poor design and  
368 mistakes were made and it should have been fixed. That is not about the design issue that is about  
369 common sense. He stated he will ask one question and that is is both engineers coming, more  
370 specifically is Joe (Joe Anlauf) coming?  
371

372 The Town Manager stated Deel Engineering will have all his staff present.  
373

374 Council Member Nason stated rain gardens and swales are only an option if there is enough room.  
375 If not, you have to rely on homeowners to give the Town an easement which is not always the  
376 case. Curbs are also sometimes used for a safety issue. They may produce pooling of water but  
377 may be saving a life. It is a difficult decision and let's hear from the engineers.  
378

379 Mayor pro tem Newberry stated if we are hearing from the Town Engineer why can't we hear from  
380 some other engineers and hear their opinion as well. Maybe there should be a public forum like we  
381 did for beach nourishment to educate the public. Engineers will interpret standards directly. He  
382 further stated that he thinks Southern Shores standards are headed toward big city type  
383 construction and he doesn't think that's what residents want.  
384

385 The Town Manager repeated again saying until Council sets more specific standards of what not  
386 to have, there will always be a debate about it. He stated for sure two engineers will debate when  
387 to use a curb or not but it falls on the Council to decide that.  
388

389 Council Member Holland stated we can debate the past issues and point the fingers of where  
390 mistakes were maybe made but that is history. Council needs to look to the future. Council does  
391 not need to over react and say no curbs. Is that the right thing to do on every project? Each project  
392 is going to be different. There has to be a balance somewhere in there. He stated on Spindrift a  
393 curb needed to be installed to move water to another direction and it worked, it did what needed to  
394 be done. We have to be careful what we wish for because we may get some consequences that  
395 we do not want. If you do not do curbs and streets crumble, then residents are going to complain  
396 why didn't we do it right the first time. Council needs to take time and study the standards and



397 come up with what is right. All of Council wants to do what is right but let's not overreact to it either.  
398 He would like to know how some of the other Towns in county are addressing this issue.  
399

400 Council Member Nason stated it is true that you will not please everyone. The bulkhead issue  
401 when staff had to literally take a picture of every tree that they were taking down to prove that it  
402 was growing through the bulkhead and they had to excavate and show this. That is a little extreme  
403 that they had to show this and do that. It feels like sometimes you are better off doing nothing to  
404 the street, not improve them and the reason why is we are going to get complaints.  
405

406 Council Member McDonald replied let's just pave them.  
407

408 Council Member Nason continued by saying any movement will cause complaints but Council  
409 needs to find a way to discuss them and move forward.  
410

411 Council Member Holland stated the big issue is we can say or do nothing but then it becomes a  
412 safety issue and we have a big liability potentially on our hands. Some of these big trees in the  
413 right of way if a car hits them or one comes down on a car driving by, you can bet we are writing a  
414 big check. If we knowingly leave a safety issue it is a big liability. He stated don't get me wrong and  
415 I love my trees but I look at two things, they are either an asset to me or they are a liability. If they  
416 are a liability to me and near my house they will be gone.  
417

418 Council Member McDonald stated he agreed. When you fix something, you don't break it. We  
419 aren't fixing things we are messing it up in several cases and we are actually receiving the criticism  
420 of trying to repair damage that was done and where and who I'm not blaming. We are just stating  
421 some facts here. If you look at different projects they are not done correctly and that's my point.  
422

423 Council Member McDonald stated that when the Manager meets with the citizens on the street  
424 being improved, notice of what trees are being cut needs to be done in advance. I emailed Peter  
425 and he called and took care of it and had the engineer meet me on site to deal with it. Is it the way  
426 I would fix it, no. The process is in place and probably too late. The point is we need to give notice  
427 in advance if the trees are going to be cut. If they are going to cut trees in our yard, yes we are  
428 going to question it.  
429

430 The Town Manager stated that is possible if that is the standard that Council wants. Staff sends  
431 letters and gives the homeowner an opportunity to attend the meeting and the trees being cut are  
432 clearly marked on the plans for review. If Council wants to direct on-site signage as a standard that  
433 is something to consider.  
434

435 Mayor Bennett stated this is an ongoing inherited situation. Streets in Southern Shores were built  
436 to minimal standards as far as street construction measures are concerned. They satisfied and did  
437 the job but over time street construction, not always the best, did not pay attention to design and  
438 storm water management allowing the water to run off onto whoever's property it wanted. Even  
439 then you were not supposed to do that but know you cannot put street water or town water onto  
440 any private property. That's the reason why Fairway Drive became such an extensive project. The  
441 Town was dumping thousands of gallons of storm water onto Duck Woods Country Club for a  
442 quarter of a mile. He stated every resident, except one on Scuppernon, was happy to have the  
443 street rebuilt. The one resident was not happy because it took trees from what she thought was  
444 her front yard. It was not her front yard it was Town right of way, so we are dealing with situations  
445 we did inherit and have to make the best of it. If the Town is going to do street improvements then  
446 there is an obligation to correct storm water issues, we are required by law to do that. He stated he  
447 is amenable to discussing the standards and looking at them carefully and if Council wants to  
448 change them, then we direct staff to do that. That takes care of part of the problem. Council still  
449 has an overriding, overarching safety consideration we have to weigh very carefully on everything  
450 we do. We have to weigh the public's interest as far as safety.  
451  
452

453 Mayor pro tem Newberry repeated that Council should bring in other engineers and suggested the  
454 engineer from Sunset Beach.

455  
456 Council Members Nason and Holland both stated they would like to hear from the Town Engineer  
457 first.

458  
459 Mayor pro tem Newberry stated he is going to disagree with the Town Engineer. What is going on  
460 is the public and common sense is just ignored and he doesn't care if it is so called best  
461 engineering practices, we have to find alternatives. Putting curbs in is a waste of money, a lot of  
462 maintenance, destroying the ambiance of the community and low impact development can be  
463 done without curbs and he would like to hear from some environmental engineer firms. He further  
464 stated he can hear from the Town Engineer and then go with a formal motion to have a public  
465 forum and invite in some other engineering companies and some landscape environmentalists.  
466 There are rumblings in the Town that we are destroying the streets and the ambiance and he  
467 doesn't like it. He stated the project at NC12 and East Dogwood is an absolute disaster. That is the  
468 biggest sore eye, he is embarrassed that tourist come up and down that street seeing that big ol  
469 pond over there and what kind of impact is that going to have in the future. The mosquito problem  
470 is going to be atrocious. Solving one problem may have been accomplished but he thinks another  
471 is being created.

472  
473 Mayor Bennett stated Mr. Newberry was creating a situation that is based off of speculation  
474 without the facts of what is going to end up there. We have not seen the finished product yet.

475  
476 Mayor pro tem Newberry stated he can see a big pond full of water and he owns property down  
477 there and he drives by it every day and thinks why did Council do this.

478  
479 Council Member Nason stated the reason it was done because several members of the community  
480 asked for it to be addressed right away because it was a safety issue and danger.

481  
482 Mayor pro tem Newberry stated his point is we are taking the advice of one engineer and maybe  
483 Council should talk to others to get their opinions.

484  
485 Mayor Bennett stated we did not take advice from one engineer. The Town consulted with NCDOT  
486 which owns the property where the problem was being created and they worked very closely on  
487 that. NCDOT looked very closely at the project and had to approve it.

488  
489 Mayor pro tem Newberry stated we need to be concerned with the future.

490  
491 Mayor Bennett stated that he hears one side from people and Mayor pro tem Newberry hears a  
492 side. The Mayor said he needs to weigh one thing that is overlooked here. Except for Highway 12,  
493 the Town is responsible for its streets and the public safety on those streets, the storm water on  
494 those streets, and Council needs to weigh everything very carefully in protecting our residents  
495 essentially from themselves and things we didn't take care of and that is an overriding  
496 consideration. It is our responsibility as a Town and sometimes we need to do more than less.

497  
498  
499 **ADDITIONAL COUNCIL MEMBERS' COMMENTS AND RESPONSES:**  
500

501 Council Member McDonald stated we need to accept that we need to agree to disagree at times  
502 and move forward as a whole. At General Public comment period Council needs to be respectful of  
503 the individual, their ideas, concerns and need to listen to them. He also stated that the NC12 and  
504 East Dogwood is a catch basin and if it fills up there are many children in that area and Council  
505 has created a liability. It may have to be fenced in. The Mayor said the project is not finished as  
506 landscaping is to be done. Council Member McDonald stated it is deep and a child might drown if  
507 he gets in there before its finished.  
508

509 **MOTION:** Council Member Holland moved to adjourn. The motion was seconded by Council  
510 member McDonald. The motion passed unanimously (5-0). The time was 7:00 pm.

511

512 ATTEST:

Respectfully submitted,

513

514

515 Thomas G. Bennett, Mayor

Sheila Kane, Town Clerk



**Town of Southern Shores  
Regular Council Meeting  
June 6, 2017**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 5:30 p.m. on Tuesday, June 6, 2017.

**COUNCIL MEMBERS PRESENT:** Mayor Bennett and Council Members Leo Holland, Chris Nason, Fred Newberry, and Gary McDonald.

**COUNCIL MEMBERS ABSENT:** None

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE**

Mayor Bennett called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and held a moment of silence.

**AMENDMENTS / APPROVAL OF AGENDA**

**MOTION:** Council Member McDonald moved to approve the agenda. The motion was seconded by Council Member Holland. The motion passed unanimously (5-0).

**CONSENT AGENDA**

The Consent Agenda consisted of the following items:

- i. Approval of Minutes- April 18, 2017 Budget Work Session; May 2, 2017 Council Meeting

**MOTION:** Council Member Holland moved to approve the Consent Agenda. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0).

**STAFF REPORTS**

The following Department Heads presented department reports for the month of April:

- Town Planner Wes Haskett presented the Planning Department's monthly report containing permitting and inspections for the month of April, and including a forecast of upcoming matters before the Planning Board and Board of Adjustment.
- Police Chief David Kole presented the Police Department's monthly report for April
- Fire Chief Ed Limbacher introduced SSVFD Treasurer Lorelei Costa who awarded SSVFD Relief Fund student scholarships. Chief Limbacher then presented the Fire Department's monthly report for April.
- The Town Manager presented his report and addressed several matters:
  - o Council's directed Storm Water Management Project at NC Highway 12 and East Dogwood Trail intersection is now complete and operational. Infiltration basin has been seeded and will be landscaped after vegetation emerges.
  - o Osprey Lane approved capital street improvement for FY 16-17 is complete.
  - o Wild Swan Lane approved capital street improvement for FY 16-17 is complete with exception of punch list items including grading infiltration areas for storm water run-off and adjusting one connecting driveway.
  - o Portion of Juniper Trail approved capital street improvement is under contract and construction has commenced. Due to recent determination asphalt having to be completely removed (rather than milled down) due to existence

of no underlying base, street had to be temporarily closed for public safety due to presence of excavator. Temporary closure has been advertised and agencies and neighborhood residents being notified. A video of the necessary excavation has been posted on the Town website.

- The Town's beach nourishment project is still scheduled to commence at end of June or beginning of July. Anticipated as a 7-10 day project. All necessary construction easements except one in the taper area have been obtained.
- The Town's lifeguard service commenced roving patrols May 1. Three stands are up, with the fourth scheduled to go up June 16 after schools are released.
- In reply to a question from Mayor pro tem Newberry asking when the Dogwood Trails walkway design would be ready, the Manager replied that the Town Engineer is finishing the design and is pricing the project in segments so as to include the walkway in the infrastructure project recommendations for FY 17-18 for Council to consider at its July 5 Regular Meeting.

## **BOARD REPORTS**

In the absence of the Planning Board Chairman, the Town Planner gave a report on Planning Board meetings of May 15<sup>th</sup> and June 5<sup>th</sup>.

## **GENERAL PUBLIC COMMENT**

Mayor Bennett called for public comment and the following citizens offered comment:

1. Bill Cogger, 7 Ginguite Trail, Southern Shores - opposed to Town property owners engaging in clear cutting of trees on their lots in preparation for building.
2. Joe Van Giesen, 228 N. Dogwood Trail, Southern Shores - in favor of financial planning
3. Jim Kranda, 82 Poteskeet Trail, Southern Shores - Council should continue to take care of Town's old infrastructure; there is a need for a solid Public Works Department; advocates competitive salaries for employees, don't regress to the Don Smith standards of years ago; Council's marathon meeting sessions are not conducive to citizens' desire to participate.
4. Tommy Karole, 77 E. Dogwood Trail, Southern Shores - stated its time this Council does something to prevent traffic on the Town streets on weekends, the residents do not deserve it, "Is this Council going to do something about it, and if not, why?" Asked Council to vote unanimously to stop traffic coming through our Town.

Hearing no other citizen wishing to speak, the Mayor closed public comment.

[Clerk's Note: A copy of the public comment signup sheet is hereby attached].

## **OLD BUSINESS**

### **Agenda Item:**

Public Hearing-Proposed FY 17-18 Operating Budget - and Consideration of FY 17-18 Budget Ordinance 2017-2018

Prior to the Public Hearing on the proposed budget, Mayor Bennett called on the Town Manager for remarks. The Town Manager outlined the dates Council has met to consider budget work in progress, the methods of budget availability to the public and public hearing advertisement, and gave highlights of the proposed budget. Included in his remarks are the fact the proposed budget is balanced and calls for no tax increase or transfer from the Town's unassigned fund balance to achieve balance. The Manager also stated the budget proposes the no debt expense, proposes the smallest employee work force of any other local government in the County, proposes the lowest total tax rate of any other local government in the County, and is the smallest budget of any other local government in the County when any other Town's operational budgets and operational enterprise funds are combined. The Town Manager reminded Council that his line item



recommended budget was preceded by the actual Budget Ordinance (Ordinance No. 2017-06-01) in the Members' meeting books.

Mayor Bennett asked the Town Attorney to open the public hearing and called on any member of the public to offer comment on the proposed budget. No citizen offered any public comment during the public hearing on the FY 17-18 budget as proposed. The Town Attorney then closed the public hearing.

**MOTION:** Mayor Bennett moved to adopt the FY 17-18 proposed budget (Budget Ordinance 2017-06-01). Council Member Holland seconded. After the Mayor called for a vote, Council Member McDonald stated there had been no time for discussion. The Mayor then stated that out of respect for Council Member McDonald, he would allow further discussion.

**MOTION:** Council Member McDonald moved to amend the original motion by amending the proposed budget by combining the proposed expense for 1.5% Cost of Living Adjustment for Town employees and the proposed expense for available 1.0% merit-bonuses for Town employees in a pot – giving a \$726 raise to everyone and a \$726 one-time bonus to everyone. The motion to amend the original motion was seconded by Mayor pro tem Newberry. After Council discussion, the motion failed 2-3, with Council Member McDonald and Council Member Newberry voting in the affirmative, and Mayor Bennett, Council Member Holland and Council Member Nason voting in the negative.

**MOTION:** Council Member McDonald then moved to amend the original motion by amending the proposed budget to include a new expense line in Streets, Bridges and Canals in an amount of \$150,000.

After some discussion, including discussion on the need to reserve funds for possible work on the beach in the future, the Mayor asked for a second to the motion to amend the original motion. The motion to amend the original motion was seconded by Mayor pro tem Newberry. After more discussion, the Mayor asked the Town Manager for comment. The Town Manager reminded Council of the existence of its Town's Capital Reserve Fund which exists for the specific purpose of reserving funds for future capital needs, including beach nourishment. The Town Manager also reminded Council, that the current motion to amend the original motion, if adopted in its current form, would only create a new expense in the budget, and that a projected revenue would have to be established as well in order for the proposed budget to remain balanced.

Councilman McDonald restated his motion to amend the original motion, so that it also includes establishing \$150,000 in corresponding revenue by reducing the FY 17-18 Infrastructure Projects expense line in Street, Bridges, and Canals by \$75,000, and reducing the proposed expense of Transfer OUT to Capital Reserve Fund contribution by \$75,000.

After further Council discussion, the motion to amend the original motion was approved 3-2, with Council Member McDonald, Mayor pro tem Newberry, and Council Member Nason voting in the affirmative, and Mayor Bennett and Council Member Holland voting in the negative.

The Mayor then called the question on the original motion as amended, to adopt the FY 17-18 proposed budget (Budget Ordinance 2017-06-01). The original motion as amended was adopted unanimously 5-0.

[Clerk's Note: A copy of the adopted Budget Ordinance 2017-06-01 and the recommended line item budget is hereby attached.

**Next Agenda Item:**

SSCA-Request from SSCA for TOSS Support in Requesting the NC General Assembly Provide Funds Necessary for State Agencies to Conduct Water Sample Analysis of Currituck Sound/Ginguite Creek Waters Bordering Southern Shores

After a presentation from the Southern Shores Civic Association, Council Member Gary McDonald moved for adoption of the SSCA requested *Resolution Supporting Southern Shores Civic Association Request For Water Sampling And Remediation*. Mayor pro tem Newberry seconded the motion. The motion was adopted unanimously 5-0.

[Clerk's Note: A copy of the adopted Resolution is hereby attached.]

## **NEW BUSINESS:**

### **Agenda Item:**

Local Relief Fund Board for the Southern Shores Volunteer Fire Department Nomination

The SSVDF Treasurer Lorelei Costa introduced Jennifer M. Allen as the SSVDF's recommendation to the Council as an appointee for an open seat the SSVDF's Local Relief Fund Board of Trustees.

**MOTION:** Council Member Leo Holland moved for the appointment of Jennifer M. Allen to the open seat on the SSVDF Local Relief Fund Board of Trustees. Council member Chris Nason seconded the motion. The motion was adopted unanimously 5-0.

### **Next Agenda Item:**

Planning Board Reappointment (Jay Russell)

The Mayor announced the next agenda item as consideration for reappointment of Town resident Jay Russell who has indicated interest in being re-appointed to the Planning Board upon his seat's upcoming expiration. Mayor pro tem Newberry asked if the Council had to appoint Mr. Russell, was anyone else interested in the seat, and what is the Town's process in this. The Town Planner was asked to explain the Town's practice of re-appointment to the Planning Board. The Town Planner explained that it has been customary practice for the Council to re-appoint any member to the Planning Board expressing an interest in re-appointment upon an expiring term. Based on that customary practice, other candidates had not been solicited for any specific seat.

Council Member McDonald stated the Town Manager had been directed before to recruit citizen volunteers for such positions and Mayor pro tem Newberry asked if that had been done, that is the concern. The Town Manager stated that he has in fact attempted to recruit citizen volunteers to all Town boards, commissions, and committees as directed, and had done so in the Town e-newsletter for months, without receiving any citizen applicants. The Town Manager said he had been directed by Council consensus to solicit citizen volunteer applicants for all Town boards, commissions, and committees, and then present the entire pool of citizen applicants to the Council for its consideration upon any vacancy. He stated no citizens have volunteered based on advertisements.

**MOTION:** Council Member McDonald stated that since that has been done, he made a motion to appoint Jay Russell to the Planning Board. Council Member Leo Holland seconded the motion. The motion was adopted unanimously 5-0.

## **GENERAL PUBLIC COMMENT**

Mayor Bennett again called for public comment and the following citizens offered comment:

1. Al Ewerling, 187 S. Dogwood Trail, Southern Shores – the whole Town is impacted by cut through traffic; this can has been kicked down the road for year and it effects quality of life. Asked Council to bring back the Town to its residents.
2. Tommy Karole, 77 E. Dogwood Trail, Southern Shores – stated he hoped citizens get involved in efforts to stop traffic coming through Town.

**Mayor's Comments & Response:**

Mayor Bennett reminded the public and the Council that one of the recent Dogwood Trails Task Force recommendations was to stop traffic at the Dick White Bridge during peak times on weekends, and that the public was opposed to this recommendation.

Mayor Bennett stated he received a call from the new NCDOT Board Member, Allen Moran, for our area and that he stated NCDOT would be placing a permanent cross walk across NC Highway 12 at Dolphin Run. The Mayor stated Mr. Moran needed a Council action to request NCDOT place crosswalk signs in that location once the crosswalk is installed.

**MOTION:** Mayor Bennett made a motion to request that NCDOT place crosswalk signs in that location once the crosswalk is installed by NCDOT, and that one that occurs, the Town Manager have solar lighting installed similar to other crosswalks. Council Member Holland seconded the motion.

Mayor pro tem Newberry asked if the Mayor could ask the NCDOT Board member if he would also put in the solar panel lighting.

With the concurrence of Council Member Holland, the Mayor amended his motion to also request NCDOT to install lighting at the crosswalk, but if they did not agree, the Town Manager is directed to have the lights placed using Town funds once the crosswalk is established. The motion was adopted unanimously 5-0.

Council Member McDonald requested the Mayor to confer with the NCDOT Board Member about the crossing signal on NC Highway 12 at Chicahawk Trail light and its operation when traffic is oncoming.

The Mayor stated that he would work with staff to landscape the storm water infiltration basin of the NC Highway 12 and East Dogwood Trail Storm Water project.

The Mayor then read aloud a recent letter sent to him and Council by Town resident Tommy Karole regarding a call to prevent non-resident traffic from entering Town streets. The Mayor solicited Council Members' comments on Mr. Karole's request.

**MOTION:** Council Member McDonald moved to direct the Town Manager, Police Chief and Town Attorney to come up with some concrete options for Council to consider to deter cut-through traffic on all streets of the Town of Southern Shores. Council Member Chris Nason seconded the motion.

During discussion, the Mayor recognized the Town Manager for comment. The Town Manager stated he would be re-stating the options already known to this Council, and which have already been reported to this and previous Councils in the past.

The motion was adopted unanimously (5-0).

Mayor pro tem Newberry suggested a return to advocating the no-left turn option from the east-bound lanes of US Highway 158 in the Town of Kitty Hawk onto South Dogwood Trail in the Town of Southern Shores.

**Council Members' Comment & Responses**

The Mayor asked for Council Members' comments and responses.

Mayor pro tem Newberry responded to citizen Jim Kranda's public comment regarding the Council meetings being too long. Stated it is difficult involving people with a complicated agenda.

Council Member Gary McDonald asked that the Planning Board members be reminded that a part of their review of the draft recommendation of the Town Code update is to recommend options for regulating tree removal/clear cutting.

**MOTION:** Council Member Holland moved that the Council convene a closed session in accordance with NCGS 143-318.11(a)(6) to consider a personnel matter regarding an individual public officer/employee of the Town. Council Member Nason seconded the motion. The motion was adopted unanimously 5-0.

Upon return from closed session, the Mayor reconvened the open session of the regular meeting.

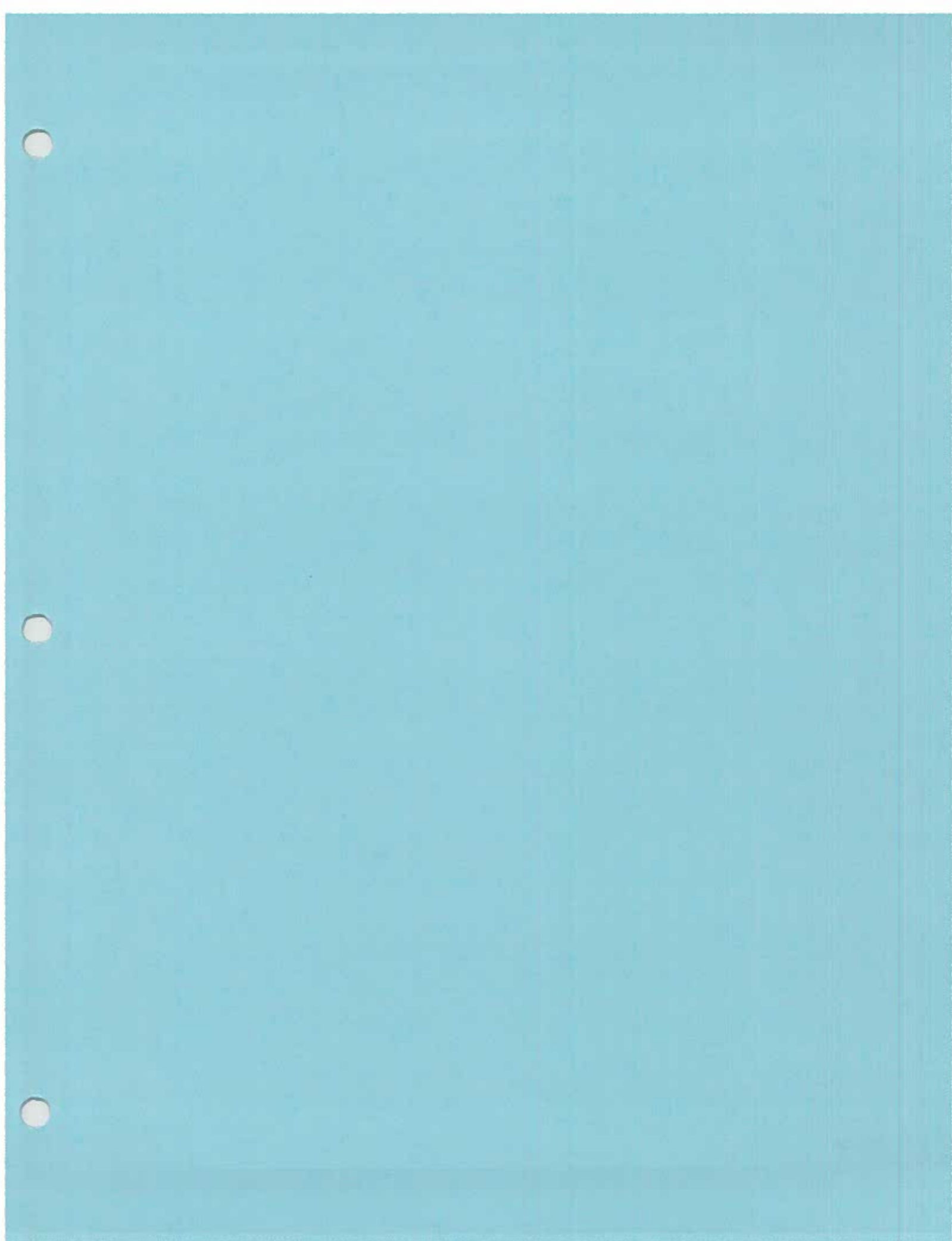
**MOTION:** Council Member \_\_\_\_\_ moved to adjourn. The motion was seconded by \_\_\_\_\_. The motion passed unanimously (5-0). The time was 8:15 pm.

ATTEST:

Respectfully submitted,

\_\_\_\_\_  
Thomas G. Bennett, Mayor

\_\_\_\_\_  
Sheila Kane, Town Clerk







# **Town of Southern Shores**

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

RESOLUTION 2017-06-02

## **RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES**

*WHEREAS*, pursuant to North Carolina General Statutes § 160A-288, the governing body of a city may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

*WHEREAS*, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

*WHEREAS*, it is deemed to be in the best interests of the citizens of Southern Shores to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

*WHEREAS*, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Southern Shores

### ***NOW, THEREFORE, BE IT RESOLVED BY THE SOUTHERN SHORES TOWN COUNCIL THAT:***

1. The Chief of Police is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Chief of Police is hereby authorized to permit officers of the Southern Shores Police Department to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Chief of Police may lend such equipment and supplies to requesting agencies as he/she deems advisable.
3. All such request and authorizations shall be in accordance with North Carolina General Statutes § 160A-288, as applicable.
4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.

5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

6. The Chief of Police is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

\_\_\_\_\_ moved for the adoption of the foregoing resolution.  
\_\_\_\_\_ seconded the motion and, upon vote, the same was adopted.

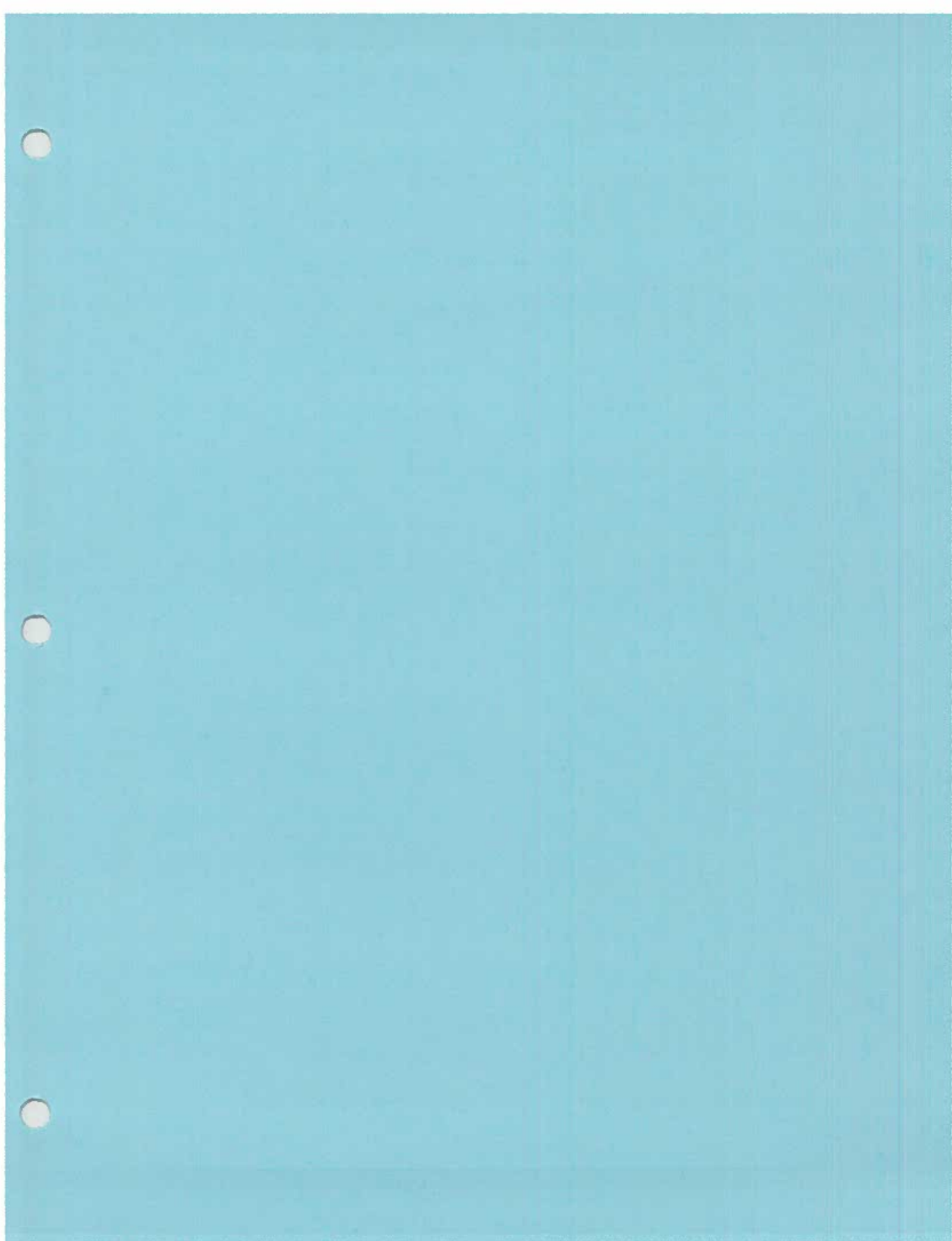
This the 20<sup>th</sup> day of June, 2017

SEAL

\_\_\_\_\_  
Thomas G. Bennett, Mayor

Attest:

\_\_\_\_\_  
Sheila Kane, Town Clerk





## **Town of Southern Shores**

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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### **Notice of Public Hearing Consideration of FY 2017-2018 Capital Infrastructure Improvement Plan**

Notice is hereby given that the Southern Shores Town Council, as a part of its regular scheduled meeting agenda of July 5, 2017, will hold a Public Hearing to consider adoption of a Capital Infrastructure Improvement Plan for Fiscal Year 2017-2018. The regular meeting will be held at 5:30 pm on Wednesday July 5, 2017 at the Pitts Center, 5375 N. Virginia Dare Trail, Southern Shores, NC. The Town Council adopted an annual operation budget for Fiscal Year 2017-2018 on June 6, 2017. Included in that budget is an appropriation of \$ 575,000 for capital infrastructure projects to be designated and prioritized by the Town Council for implementation by the Town staff during the fiscal year.

A proposed plan is viewable on the Town's website at <http://southernshores-nc.gov/wp-content/uploads/2015/02/fy-17-18-CIIP-recommended.pdf> , or a copy may be obtained at the Southern Shores Town Hall. Adopted budget documents are viewable on the Town's website at <http://southernshores-nc.gov/town-government/administration/public-documents/> , or copies may be obtained at the Southern Shores Town Hall. For additional information or questions, please contact Town Hall at (252) 261-2394.

Submitted by:  
Sheila Kane  
Town Clerk

**For Town Council Consideration**

**Staff-Recommended (Streets) and Town Council-Included by Consensus (Pedestrian Walkway)**

**Capital Infrastructure Improvements for Town Council Consideration FY 2017-2018**

**(Update initially transmitted to Town Council on February 7, 2017)**

**(Appropriated Funds per adopted FY 17-18 Budget = \$575,000)**

(Listed street portions as full depth rebuilds (unless noted) are recommended by staff to the Town Council for its consideration and possible decision for FY 17-18. Based on current street conditions.)

**'Targets' for Street Rebuild:**

1. **Yaupon Trail** - (asphalt failure, edge failure and continuing tree root undermining.) [Include appropriate turn around development w/ bulkheading and land acquisition. [recommend phasing]
2. **Juniper Trail** - (asphalt failure in area south of the Juniper culvert bridge on both street and sidewalk) [funded for FY 16-17; in bid preparation process for possible Spring '17 project]; Including Palmetto Lane - midpoint of length of street to intersection with Juniper Trail
3. **Clamshell Trail** - western phase, Chicahauk Tr. intersection to Otter Slide (asphalt & subgrade failure) [Include nearby storm water improvement for Trinite Trail]
4. **Skyline Road and Highway 12 intersection** - (stormwater flooding issue)
5. **Hillcrest Drive** - north end from Hickory Trail intersection to SSCA tennis courts
6. **Sea Oats Trail** - north end from 11<sup>th</sup> Avenue to NC Highway 12
7. **South Dogwood Trail** - (block cracking, alligator cracking, edge failures, shoving and sloughing failures)
8. **Wax Myrtle Trail** - (block cracking, alligator cracking, & edge failures) [recommend partial]; Including Dolphin Run and Porpoise Run
9. **Ginguite Trail** - (alligator cracking, shoving and sloughing failures and subgrade failures) - [recommend partial segments]
10. **Spindrift Trail/High Dune Loop/Wild Pony Lane intersection** - (Edge failures and asphalt cracking failures)
11. **Clamshell Trail** - eastern phase, Otter slide to Chicahauk Trail intersection (asphalt & subgrade failure)
12. **East Dogwood Trail** - (asphalt & subgrade failures)
13. **Wax Myrtle and Hickory Trail intersection**
14. **Pintail Trail** - (tree root intrusion, block cracking)
15. **West Holly Trail** - (stormwater flooding and driveability issues)
16. **Bayberry Trail including Dewberry Ln.** - (asphalt and subgrade failures, root upheaval on Dewberry)
17. **Land Fall Loop** - (street rebuild: alligator cracking)
18. **Happy Indian Lane** - cul-de-sac rebuild (alligator cracking, eroded areas)
19. **Teal Court-capital repair** - (portion of road leading to cul-de-sac cracking)
20. **North Dogwood Trail** - (block cracking, alligator cracking, edge failure, emergency vehicle access)
21. **Turtle Pond Court** - (asphalt failure, edge failure, alligator cracking)

(Included by Town Council consensus for consideration)

**Other Capital Infrastructure:**

1. **South and East Dogwood Trails pedestrian walkway** - (Initial segment under design)



Information for Cost Consideration

**I. Capital Streets**

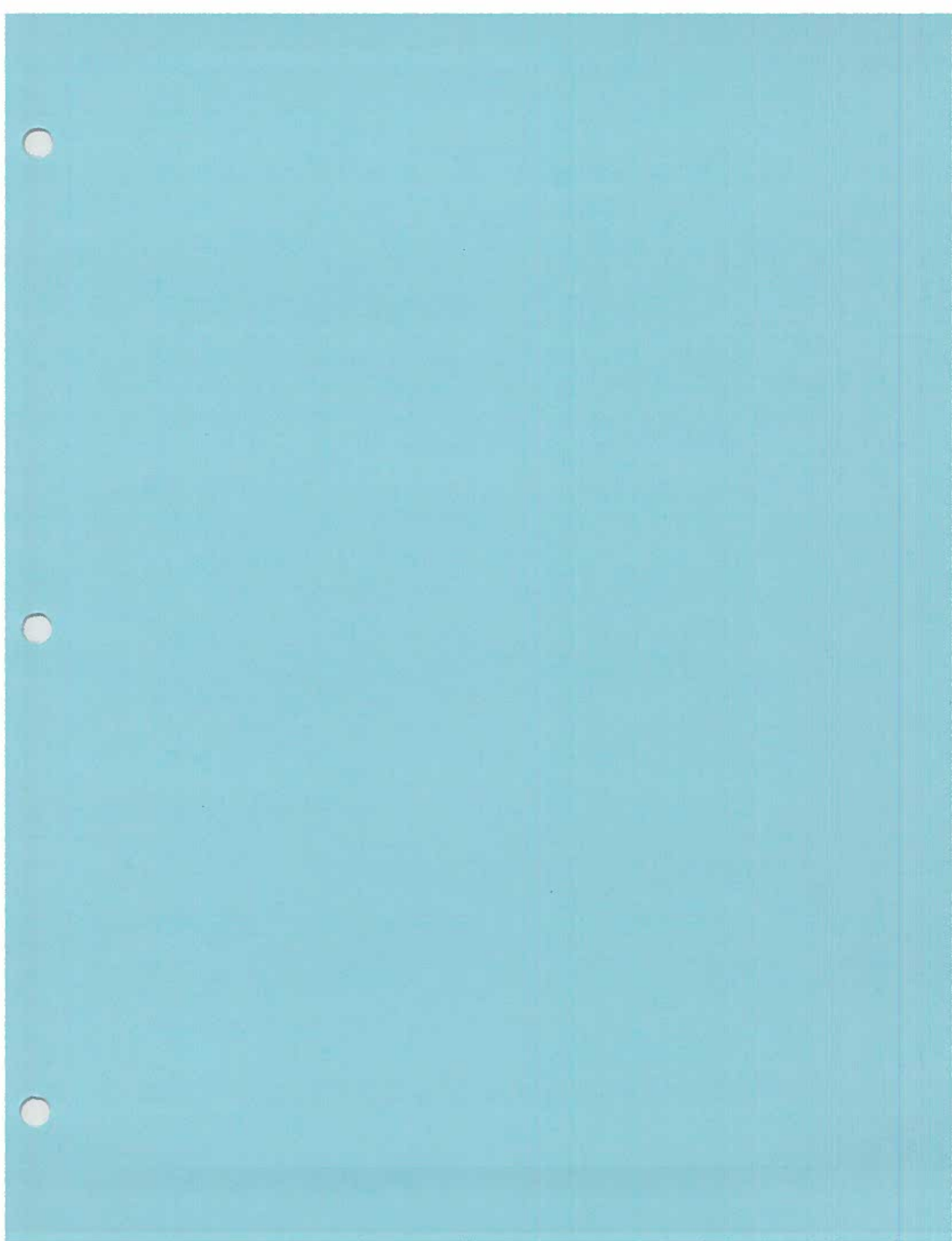
Approximate linear feet (LF) of target capital street improvements. Cost estimates, excluding engineering/design and any necessary easement acquisitions and extraordinary structural additions (i.e. bulkhead replacement), are subject to subsurface geotechnical findings (presence of peat requires more stone base, geogripping, and thicker asphalt) and any low impact development techniques incorporated for appropriate storm water management. Linear foot cost generally running \$150 / LF.

1. Yaupon Trail - Phase 1 (south end) - 1,000 LF (+/-)  
- Phase 2 (north end) - 700 LF (+/-)
2. Juniper Trail - Remaining segment - 2,447 LF (+/-)  
Incl. Palmetto Lane - midpoint street length to Juniper Trail - 700 LF (+/-)
3. Clamshell Trail - Chicahauk Tr. intersection to Otter Slide - 900 LF (+/-)
4. Skyline Road and Highway 12 intersection - (storm water management techniques)
5. Hillcrest Drive - Hickory Trail intersection to SSCA tennis courts - 3,700 LF (+/-)
6. Sea Oats Trail - north from 11th Avenue to NC Highway 12 - 1,947 LF (+/-)
7. South Dogwood Trail - entire length 12,408 LF (+/-)
8. Wax Myrtle Trail - East Dogwood Trail south to end 2,720 LF (+/-)  
Incl. Dolphin Run - 410 LF (+/-)  
Incl. Porpoise Run - 425 LF (+/-)
9. Ginguite Trail - Northern segment - 1,800 LF (+/-)  
- Southern segment - 2,000 LF (+/-)
10. Spindrift Trail/High Dune Loop/Wild Pony Lane intersection - 160 LF (+/-)
11. Clamshell Trail - Otter Slide east to Chicahauk Trail - 3,440 LF (+/-)
12. East Dogwood Trail - entire length (excl. previous rebuild segment) - 5,000 LF (+/-)
13. Wax Myrtle and Hickory Trail intersection - 170 LF (+/-)
14. Pintail Trail - entire length - 750 LF (+/-)
15. West Holly Trail - entire length - 830 LF (+/-)
16. Bayberry Trail - entire length - 1,775 LF (+/-)  
Incl. Dewberry Ln. - 230 LF (+/-)
17. Land Fall Loop - entire length - 330 LF (+/-)
18. Happy Indian Lane cul-de-sac - 320 LF (+/-)
19. Teal Court - S. Dogwood to cul de sac - 275 LF (+/-)
20. North Dogwood Trail - entire length - 5,966 LF (+/-)
21. Turtle Pond Court - entire length - 470 LF (+/-)

**II. Other Capital Infrastructure**

#1 below is being designed in segments. Estimated cost, excluding initial surveying and engineering/design, of each segment will be based on site preparation and grading, materials and construction, and any necessary supporting structures due to topography.

1. South and East Dogwood Trails pedestrian walkway - (segments) -





## **Town of Southern Shores**

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TCA-17-01

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA**

#### **ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, the Town of Southern Shores (the "Town") may enact and amend ordinances for defining and abating nuisances and otherwise in the interest of the public's health, safety, morals and general welfare pursuant to North Carolina General Statutes § 160A-174; and

**WHEREAS**, the Town of Southern Shores has engaged a contractor to perform a beach nourishment project on a portion of the Town's public beaches; and

**WHEREAS**, beach nourishment operations within the Town's jurisdiction will often be subject to time limitations and other permitting limitations set by various state and federal agencies outside of the Town's control; and

**WHEREAS**, the Town Council finds that it is in the interest of the public's health, safety, morals and general welfare that the Town's Code of Ordinances be amended as stated below.

#### **ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

#### **ARTICLE III. Amendment of Noise Ordinance and Beach and .**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

**PART I.** That Town Code Sec. 22-3 be amended as follows:

...

1 (d) Noises and activity associated with public beach nourishment projects at the town's  
2 direction shall not be considered to be unreasonably loud or otherwise considered to  
3 be a public nuisance.

4  
5 **ARTICLE IV. Severability.**  
6

7 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
8 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
9 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
10 provisions of this ordinance amendment nor the Zoning Ordinance, Flood Ordinance or  
11 Town Code of the Town of Southern Shores, North Carolina which shall remain in full  
12 force and effect.  
13

14 **ARTICLE V. Effective Date.**  
15

16 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
17 \_\_\_\_\_, 2017.  
18  
19  
20

21 \_\_\_\_\_, Mayor  
22

23  
24 **ATTEST:**  
25  
26

27 \_\_\_\_\_  
28 Town Clerk  
29  
30

31 **APPROVED AS TO FORM:**  
32  
33  
34

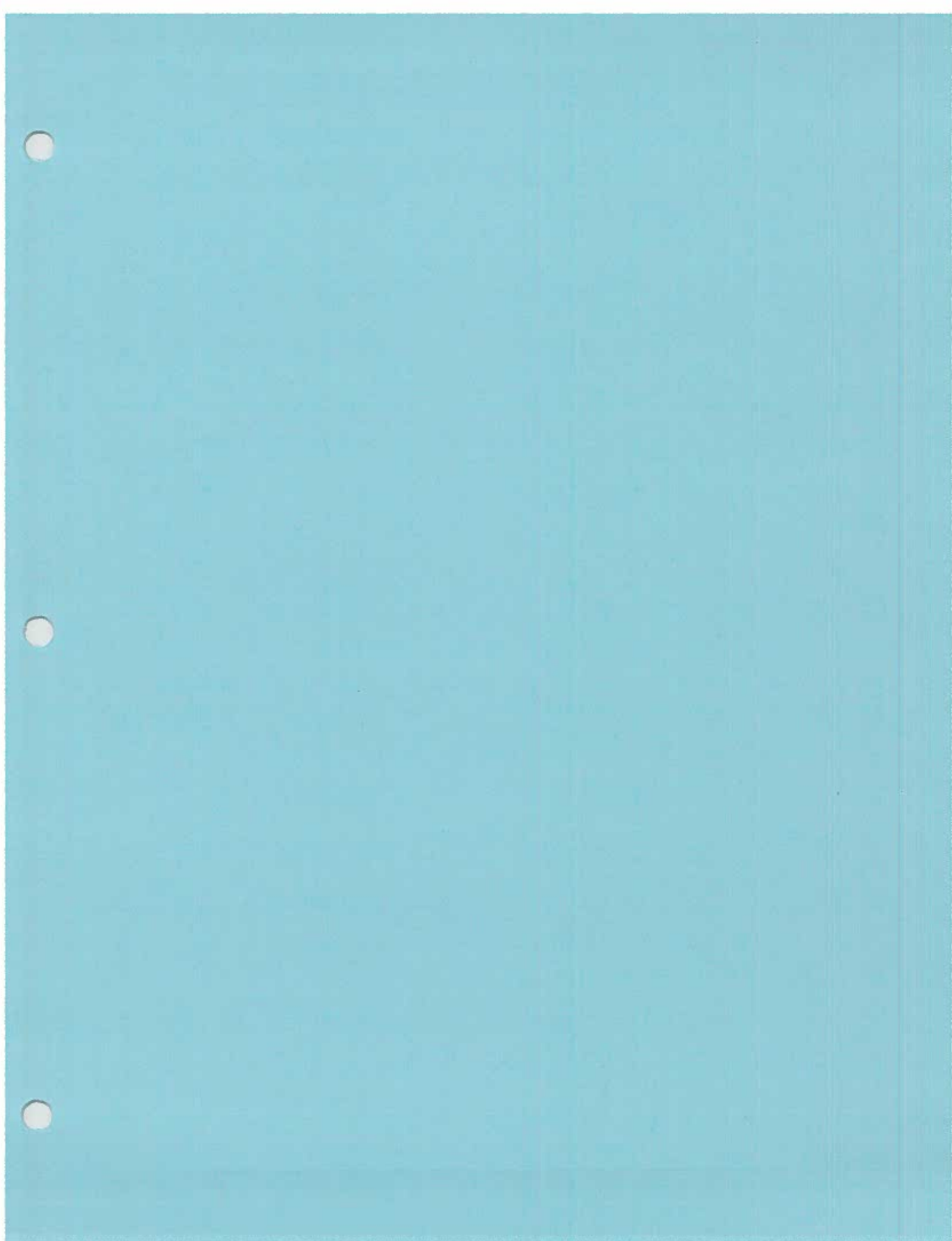
35 \_\_\_\_\_  
36 Town Attorney  
37

38 **Date adopted:**  
39

40 \_\_\_\_\_  
41 Motion to adopt by Councilmember:  
42

43 \_\_\_\_\_  
44 Motion seconded by Councilmember:  
45  
46

Vote: \_\_\_\_AYES \_\_\_\_NAYS







**Town of Southern Shores**  
5375 N. Virginia Dare Trail, Southern Shores, NC 27949  
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TCA-17-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, the Town of Southern Shores (the "Town") may enact and amend ordinances for defining and abating nuisances and otherwise in the interest of the public's health, safety, morals and general welfare pursuant to North Carolina General Statutes § 160A-174; and

**WHEREAS**, the Town of Southern Shores has engaged a contractor to perform a beach nourishment project on a portion of the Town's public beaches; and

**WHEREAS**, the beach nourishment project as proposed will be an engineered beach nourishment project along approximately 1,500 feet of public trust ocean beach at the southern-most end of the Town of Southern Shores town limits, including engineered placement of approximately 1,000 feet of sand to be tapered north of the 1,500 feet as a necessary function of the project; and

**WHEREAS**, disturbance of the Town's ocean beaches that are within the limits of a completed public beach nourishment project should be limited to preserve the integrity of the professionally designed and permitted project as it enhances the public trust ocean beach; and

**WHEREAS**, the Town Council finds that it is in the interest of the public's health, safety, morals and general welfare that the Town's Code of Ordinances be amended as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of Noise Ordinance and Beach and .**

1 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of  
2 Southern Shores, North Carolina, that the Town Code shall be amended as follows:

3  
4 PART I. That Town Code Sec. 34-55 be amended as follows:

5  
6 ...

7 (e) Beach bulldozing prohibited. On the Town's ocean beaches that are within the limits  
8 of a completed public beach nourishment project, bulldozing sand, pushing sand by  
9 mechanical means or other mechanical change to the topography is prohibited except  
10 in the following situations:

11 (1) When such work is performed as a part of a hurricane or erosion protection project  
12 or beach nourishment project sponsored by the town or any local, state or federal  
13 government agency;

14 a. When work is performed upon the ocean beaches in compliance with this  
15 subsection, the equipment operator must have a copy of the CAMA  
16 permit/exemption letter from the town on his/her person when conducting this  
17 activity and be familiar with all of the conditions associated with the permit.

18 (2) When such work is performed at the direction of, and with authorization by, the  
19 town for the purpose of beach maintenance; and

20 (3) When such work is authorized by the Town Council following a natural disaster.

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22 **ARTICLE IV. Severability.**

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24 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are  
25 hereby repealed. Should a court of competent jurisdiction declare this ordinance  
26 amendment or any part thereof to be invalid, such decision shall not affect the remaining  
27 provisions of this ordinance amendment nor the Zoning Ordinance, Flood Ordinance or  
28 Town Code of the Town of Southern Shores, North Carolina which shall remain in full  
29 force and effect.

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31 **ARTICLE V. Effective Date.**

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33 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
34 \_\_\_\_\_, 2017.

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38 \_\_\_\_\_, Mayor

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42 ATTEST:

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\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

Date adopted:

\_\_\_\_\_  
Motion to adopt by Councilmember:

\_\_\_\_\_  
Motion seconded by Councilmember:

Vote: \_\_AYES\_\_NAYS